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DM-10/2003

ATTORNEY DOCKET NO: KCX-827 (20129)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Boga, et al.)
Serial No: 10/790,617)
Filed: March 1, 2004)
Confirmation No: 8844)
Title: Assay Devices Utilizing Chemichromic Dyes)
Group Art Unit: 1651
Examiner: Unknown
Our Account No: 04-1403
Customer No: 22827

Commissioner for Patents
U.S. Patent and Trademark Office
Post Office Box 1450
Alexandria, VA 22313-1450

Sir:

The following is an Information Disclosure Statement for the captioned patent application, pursuant to 37 CFR Sections 1.56, 1.97, and 1.98.

1. ☒ Attached hereto is:

- a. ☒ A list of materials for consideration per Rule 98(a)(1): 2 page(s)
- b. ☒ A legible copy of each patent, publication, or other item listed per Rule 98(1)(2), unless not required per Rule 98 and/or as indicated on the attached list(s):
27 item(s)
- c. ☐ For each non-English language item listed, pursuant to Rule 98(a)(3), a concise explanation of the relevance thereof as it is presently understood by the individual designated in Rule 56(c) most knowledgeable about the content of such items: _____
- ☐ Such explanation is provided in the Search Report from a corresponding application enclosed herewith along with any enclosed translation into English.

2. ☒ This Information Disclosure Statement is being filed [CHECK ONE]:

- a. ☒ WITHIN THREE MONTHS of the application filing date, national stage date of entry, or along with or after a request for continued examination, OR BEFORE the mailing date of a first Office Action on the merits, which ever event occurs last, WHEREFORE per Rule 97(b) NO filing fee or Rule 97(e) certificate is required.
- b. ☐ AFTER the time periods of section 2.a above, but BEFORE a Final Action, Notice of Allowance OR an action that otherwise closes prosecution, WHEREFORE PER Rule 97(c) submitted herewith is [CHECK ONE]:
- i. ☐ Certification per Rule 97(e); OR
- ii. ☐ Filing Fee per Rule 17(p)\$180.00
- c. ☐ AFTER a Final Action OR Notice of Allowance, but BEFORE payment of the issue fee, WHEREFORE per Rule 97(d) submitted herewith is:
- i. Certification per Rule 97(e); AND
- ii. Filing fee per Rule 17(p)\$180.00

3. ☐ Rule 97(e) Certification; per Rule 97(e), the undersigned certifying party make the following certification statement [CHECK ONE]:

- a. ☐ That each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement; OR
- b. ☐ That no item of information contained in this Information Disclosure Statement was cited in a foreign patent office in a counterpart foreign application and to the knowledge of the undersigned after making a reasonable inquiry, was known to any individual designated in Rule 56(c) more than three months prior to the filing of this statement.

CERTIFYING PARTY (if different from bottom signature; omission here indicates that certification is being made by signer per signature below).

Name: _____

Signature: _____

Address: _____

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- 4.[x] DEPOSIT ACCOUNT AUTHORIZATION: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any fees in addition to the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (deficiency only) now or hereafter relative to this application and the resulting official document under Rule 20, or credit any overpayment, to our Account No. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This statement does not authorize charge of the issue fee in this case.

- 5.[x] CERTIFICATE OF MAILING: This Information Disclosure Statement is being filed pursuant to [CHECK AND COMPLETE ONE]:

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DORITY & MANNING, ATTORNEYS AT LAW, P.A.

By: Christina L. Mangelsen, Patent Agent

Reg. No: 50,244

Signature: 

Date: September 9, 2004



Information Disclosure Statement List By Applicant(s) Under 37 CFR Section 1.98(a) (1) (Use several sheets if necessary)	Attorney Docket Number: KCX-827 (20129)	Serial Number: 10/790,617
	Applicant: Boga, et al.	
	Filing Date: March 1, 2004 Confirmation No: 8844	Group Art Unit: 1651

- NOTE: If no indication is made in the column marked "COPY NOTE," the required legible copy of the corresponding item is submitted herewith; otherwise, a copy is not required and/or not submitted, for the following reason(s) [corresponding reason number is listed in "COPY NOTE" column]"
- (1) This item is cumulative, per Rule 98(c)
 - (2) A copy of this item was previously cited by or submitted to the U.S. Patent and Trademark Office in:
 USSN _____, filed _____, or
 USSN _____, filed _____;
 Relied on under 35 U.S.C. Section 120, per Rule 98(d)
 - (3) Both reasons (1) and (2) apply
 - (4) No legible complete copy is possessed, in custody of controlled, or readily available
 - (5) Per the U.S. Patent and Trademark Office's waiver of Rule 98(a)(2)(i), the item is a U.S. patent or patent application publication, and the present application was filed after June 30, 2003.

U.S. PATENT DOCUMENTS

EXAMINER INITIALS	PATENTEE NAME	PATENT NUMBER								ISSUE DATE	COPY NOTE
	Simonsson, et al.	4	7	4	8	1	1	6	05/31/1988	5	
	Schulte	4	9	6	2	0	2	4	10/09/1990	5	
	Lawrence, et al.	5	5	8	5	2	7	3	12/17/1996	5	
	Diamond, et al.	5	7	8	6	1	3	7	07/28/1998	5	
	Bremmer, et al.	5	8	7	2	2	6	1	02/16/1999	5	
	Whittaker, et al.	5	9	3	2	4	1	0	08/03/1999	5	
	Burbaum, et al.	5	9	8	1	2	0	7	11/09/1999	5	
	Rao, et al.	6	1	9	7	5	3	7	03/06/2001	5	
	Henderson, et al.	6	2	3	5	4	6	4	05/22/2001	5	
	Lawrence, et al.	6	2	4	1	6	2	1	06/26/2001	5	
	Bronstein, et al.	6	2	4	3	9	8	0	06/12/2001	5	
	Braach-Maksvytis, et al.	6	3	4	8	3	1	9	02/19/2002	5	
	Nemori, et al.	6	4	8	5	9	2	6	11/26/2002	5	
	Braach-Maksvytis, et al.	6	5	6	2	6	3	1	05/13/2003	5	
	Saunders	6	6	8	2	9	0	3	01/27/2004	5	

U.S. PATENT APPLICATION PUBLICATIONS											
EXAMINER INITIALS		APPLICANT'S NAME	PUBLICATION NUMBER							PUBLICATION DATE	COPY NOTE
		Nelson, et al.	0	0	2	5	5	4	1	02/28/2002	5
		Yue, et al.	0	0	8	1	9	7	1	04/29/2004	5
		Martin, et al.	0	0	9	6	9	1	8	05/20/2004	5

(Rev. 5/92) Information Disclosure Statement List By Applicant(s) Under 37 CFR Section 1.98(a) (1) (Use several sheets if necessary)	Attorney Docket Number: KCX-827 (20129)	Serial Number: 10/790,617
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FOREIGN PATENT DOCUMENTS									
EXAMINER INITIALS	COUNTRY	DOCUMENT NUMBER	PUBLICATION DATE	TRANSLATION			COPY NOTE		
				YES	NO	N/A			

*"NO" means that no copy of an English language translation is within the possession, custody, or control of, or is readily available to any individual designated in Rule 56(c).

EXAMINER INITIALS	OTHER DOCUMENTS Specify author (if any), Title, Pertinent Pages, Date & Place of Publication	COPY NOTE
	Abstract of Article entitled <i>One-step all-in-one dry reagent immunoassays with fluorescent europium chelate label and time-resolved fluorometry</i> , T. Lovgren, L. Merio, K. Mitrunen, M. L. Makinen, M. Makela, K. Blomberg, T. Palenius, and K. Pettersson, <i>Clinical Chemistry</i> , Vol. 42, 1996, pp. 1196-1201	
	Article – <i>Effect of matrix metalloprotease inhibitors on the 95 kDa metalloproteinase of Candida albicans</i> , C. Imbert, C. Kauffmann-Lacroix, G. Daniault, J. L. Jacquemin, and M. H. Rodier, <i>Journal of Antimicrobial Chemotherapy</i> , Vol. 99, 2002, pp. 1007-1010	
	Paper – Section 10.4 – Detecting Peptidases and Proteases, 19 pages	www.probes.com/handbook
	Product Description for BioMag® Carboxyl-terminated Particles from Bangs Laboratories, Inc., 2 pages	
	Product Description for EnzChek™ Protease Assay Kits from Molecular Probes, 3 pages	
	Product Description for EZ-Link NHS-PEO Solid Phase Biotinylation Kit from Pierce, 4 pages	
	Product Description for EZ-Link® Sulfo-NHS-Biotin Reagents from Pierce, 5 pages	
	Product Description for Fluorescence Microplate Assays from Molecular Probes, 112 pages	
	Product Information on Enzymatic Assay of PROTEASE ¹ Casein as a Substrate from Sigma, 4 pages	
EXAMINER	DATE CONSIDERED	
Examiner: initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.		

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Docket No: KCX-827 (20129)

Serial No: 10/790,617

Group No: 1651

Confirmation No: 8844

Examiner: Unknown

Customer No: 22827

Filed: March 1, 2004

Date: September 9, 2004

For: Assay Devices Utilizing Chemichronic Dyes

RELATED U.S. PATENT APPLICATION

ASSISTANT COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

The following commonly assigned U.S. Patent Application is being cited to the Examiner for review and consideration. Enclosed please find a copy of this application. Once the application has been reviewed, it is requested that the Examiner place his or her initial to the left of the identified patent on the list document to indicate that the specific patent application has been considered.

RELATED U.S. APPLICATIONS

<u>Examiner's Initial</u>	<u>Inventor</u>	<u>Serial Number</u>	<u>Filing Date</u>	<u>Title of Application</u>
_____	Song, et al.	10/881,010 (KCX-850)	06/30/2004	One-Step Enzymatic And Amine Detection Technique